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SUMMARY RECORD OF THE 42nd MEETING

Chairman: Mr. AFONSO (Mozambique)

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The meeting was called to order at 11.30 a.m.

AGENDA ITEM 126: PROGRESSIVE DEVELOPMENT OF THE PRINCIPLES AND NORMS OF INTERNATIONAL LAW RELATING TO THE NEW INTERNATIONAL ECONOMIC ORDER (continued) (A/C.6/46/L.6/Rev.1)

1. Mrs. SILVERA NUÑEZ (Cuba), introducing the draft resolution on the item "Progressive development of the principles and norms of international law relating to the new international economic order" (A/C.6/46/L.6/Rev.1) on behalf of the sponsors, said that India had joined the sponsors of the draft resolution. Now more than ever before developing countries needed international mechanisms that would enable them to secure their fundamental interests in the area of international economic relations, since it was those countries that suffered most from the current unjust order. The main objective of the draft resolution was to establish the juridical base for developing the principles and norms that would underpin the new international economic order. In particular, paragraph 3 of the draft resolution proposed the establishment of a working group to develop such principles and norms.

2. The attempts of the sponsors of the draft resolution to reconcile the opposing positions had been unsuccessful. There had been no desire to negotiate on the part of those countries that were resolutely opposed to the spirit and form of the draft resolution, as was made clear by their failure to propose amendments which might have opened up negotiating possibilities with a view to narrowing the gap between the different positions.

3. The profound changes that had taken place in the world should not be to the detriment of the aspirations and interests of the developing nations, which needed changes that would help to eliminate the unjust economic order imposed by the major Powers. On behalf of the sponsors, she wished to urge those countries that were opposed to the draft resolution to permit it to be adopted without a vote.

4. The CHAIRMAN said that a recorded vote had been requested on draft resolution A/C.6/46/L.6/Rev.1 and a separate recorded vote on paragraph 3.

5. Mr. VAN DE VELDE (Netherlands), speaking in explanation of vote before the vote on behalf of the European Community and its 12 member States, recalled that in a previous statement on the item the European Community and its members had expressed the view that, in the light of the numerous and complex problems that had arisen in the rapidly changing field of international economic relations, it would not be advisable to undertake codification work in that field. The Twelve had repeatedly stated their preference for a flexible approach to cooperation rather than a codification of the law in that area. Consequently, there was no need to establish a working group and the Twelve would therefore vote against paragraph 3 of the draft resolution.

6. Mr. NEUHAUS (Australia), also speaking in explanation of vote on behalf of his country and of Canada and New Zealand, expressed regret at the absence of progress on the item, on which there had been retrogression instead. The text of the draft resolution was not up to date and was inaccurate. It referred to the Third United Nations Development Decade when the current Decade, proclaimed by General Assembly resolution 45/199, was the Fourth. In the Fourth Decade, the States Members of the United Nations had subscribed to the Declaration on International Economic Cooperation and the commitments and policies that had been agreed upon therein, as stated in General Assembly resolution 45/234. The draft resolution was incompatible with the resolutions adopted and the terms used by other committees. For those reasons, Australia, Canada and New Zealand regretted that they would be obliged to vote against paragraph 3 of the draft resolution and against the draft resolution as a whole.

7. Mr. ROSENSTOCK (United States of America), also speaking in explanation of vote, said that the draft resolution was inaccurate, misleading and anachronistic. It took no account of the achievements of the eighteenth special session, which had permitted the United Nations to move beyond the sterile confrontation of the 1970s and early 1980s. The United States had no wish to participate in a return to that era but was seeking rather to build on those areas in which there was agreement, such as the agreement achieved at the eighteenth special session. The responsibility for the absence of agreement on the draft resolution lay entirely with its sponsors, who had rejected several compromise proposals made by developing countries and had refused to consider other alternative approaches. For all of those reasons, the United States would vote against the draft resolution.

8. Mr. NTSAMA (Cameroon) said that his delegation was disappointed at the lack of consensus on the draft resolution, which, nevertheless, was of far-reaching importance.

9. Mr. VAN DE VELDE (Netherlands), speaking on a point of order, said it was the practice that sponsors of a draft resolution should not take the floor in explanation of vote.

10. Mr. NTSAMA (Cameroon) said that President Bush and President Mitterrand had made statements in favour of the new international economic order.

11. Mr. ROSENSTOCK (United States of America) said that the rule under which sponsors were not allowed to make statements in explanation of vote was not a practice but rather an established provision in the rules of procedure, and he feared that, if indulgence was shown in one case, it would not be possible to prevent such a statement in explanation of vote in any future case.

12. Mr. NTSAMA (Cameroon) read out two statements of President Bush and President Mitterrand, in which President Mitterrand stated that the time had come for the rule of international law, which was the only way of preventing anarchy, and President Bush evoked the vision of a new concert of nations,

(Mr. Ntsama, Cameroon)

which transcended the cold war and in which the United Nations would use its mandate to maintain peace in order to realize the promise of its founders. He concluded by saying that he had not attempted to explain his vote.

13. A recorded vote was taken on paragraph 3 of draft resolution A/C.6/46/L.6/Rev.1.

In favour: Algeria, Bahrain, Bangladesh, Barbados, Benin, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Congo, Cuba, Cyprus, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, Grenada, Guinea, Guyana, Haiti, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Morocco, Myanmar, Namibia, Nepal, Nigeria, Oman, Pakistan, Peru, Philippines, Republic of Korea, Saudi Arabia, Senegal, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Czechoslovakia, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Spain, Sweden, Turkey, Ukraine, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Albania, Mongolia.

14. Paragraph 3 of draft resolution A/C.6/46/L.6/Rev.1 was adopted by 74 votes to 34, with 2 abstentions.

15. A recorded vote was taken on draft resolution A/C.6/46/L.6/Rev.1 as a whole.

In favour: Algeria, Bahrain, Bangladesh, Barbados, Benin, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Congo, Cuba, Cyprus, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nigeria, Oman,

Pakistan, Peru, Philippines, Republic of Korea, Saudi Arabia, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Australia, Belgium, Canada, Denmark, Finland, Germany, Hungary, Iceland, Israel, Japan, Lithuania, Luxembourg, Netherlands, New Zealand, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Albania, Argentina, Austria, Bulgaria, Czechoslovakia, France, Greece, Ireland, Italy, Liechtenstein, Marshall Islands, Poland, Portugal, Romania, Spain, Turkey, Ukraine, Union of Soviet Socialist Republics.

16. Draft resolution A/C.6/46/L.6/Rev.1 was adopted by 76 votes to 18, with 18 abstentions.

17. Mr. VAN DE VELDE (Netherlands), speaking in explanation of vote after the vote on behalf of the European Community and its Twelve States members, said that, since the item had last been considered two years previously, the foundations had been laid for a more pragmatic dialogue on international economic relations at the eighteenth special session of the General Assembly, in the Paris Declaration, adopted by the Second United Nations Conference on the Least Developed Countries and in the International Development Strategy for the Fourth United Nations Development Decade. The European Community itself had elaborated a series of important instruments for cooperation, such as the Lomé Convention and the Generalized System of Preferences.

18. The draft resolution on which the Committee had just voted did not take into account the results of the conferences he had mentioned or of the decisions adopted at those meetings. It did not reflect, moreover, the spirit and forms of current cooperation in international economic relations. Draft resolution A/C.6/46/L.6/Rev.1 confined itself to references to the International Development Strategy for the Third United Nations Development Decade, adopted more than 10 years previously. The first preambular paragraph did not acknowledge the progress that had been made recently. For all those reasons, the Twelve had voted against the draft resolution.

19. Mr. CALERO RODRIGUES (Brazil) said that his delegation had voted in favour of the draft resolution since to have done otherwise would have meant agreeing that it was not worth while identifying the basic legal principles that should serve as the foundation for economic relations between States. All States seemed to recognize that the current international economic order was unsatisfactory and required changes. It was true that some changes were being introduced, but on a sectoral basis and in limited areas. His

(Mr. Calero Rodrigues, Brazil)

delegation was convinced that those necessary changes would have been possible had there been general agreement on the principles on which their introduction should be based.

20. Draft resolution A/C.6/46/L.6/Rev.1 had been the object of much criticism, some of which was perhaps justified. The mandate of the working group was not clearly defined. Indeed, paragraph 1 did give rise to certain doubts with respect to that mandate. His delegation had not voted in favour of the draft resolution in a spirit of confrontation, and would have preferred a general agreement on the text.

21. Mrs. MBACKE (Senegal) stated that her delegation had voted in favour of the draft resolution.

22. Mr. ABIMANA (Rwanda) said that, had it been present, his delegation would have voted in favour of draft resolution A/C.6/46/L.6/Rev.1.

ORGANIZATION OF WORK

23. The CHAIRMAN said that the Committee had thus concluded its consideration of agenda item 126. He suggested that on Monday, 25 November in the afternoon, the Committee should take a decision with respect to the draft resolutions on the United Nations Decade of International Law, the draft decision on the environment and the draft resolutions on the status of the diplomatic courier, the report of the International Law Commission, and jurisdictional immunities. On Tuesday, 26 November, the Committee would be able to take a decision with respect to the remaining draft resolutions, namely, those concerning the United Nations Programme of Assistance and the additional protocol on consular functions, as well as the draft resolution on the report of the Committee on Relations with the Host Country.

The meeting rose at 12.50 p.m.